



Affirmative Action Plan:
**Persons with Disabilities and
Veterans in the Workplace**

July 1, 2015 through June 30, 2016

PLAN YEAR

STOCKTON | INSTITUTIONAL
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New Jersey's Distinctive Public University | Stockton is an AA/EQ institution.



Galloway, NJ

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INTRODUCTION

Stockton University (“Stockton”) sets forth this Affirmative Action Plan (“AA Plan”) for the year from July 1, 2015 through June 30, 2016, reaffirming its commitment to the spirit and letter of equal employment opportunity as espoused in its Policy Prohibiting Discrimination in the Workplace (“Policy”).

Stockton is committed to providing every University employee and prospective University employee with a work environment free from prohibited discrimination or harassment.

Stockton is not a federal contractor who provides services and goods to the Federal Government. However, in the development of this plan, Stockton modeled this plan in whole or in part from PART 60-741—Affirmative Action and Nondiscrimination Obligations of Federal Contractors and Subcontractors Regarding Individuals with Disabilities and PART 60-300—Affirmative Action and Nondiscrimination Obligations of Federal Contractors and Subcontractors Regarding Disabled Veterans, Recently Separated Veterans, Active Duty Wartime or Campaign Badge Veterans, and Armed Forces Services Medal Veterans.

Through the implementation of this AA Plan, Stockton continues its efforts to comply with appropriate governmental laws and regulations pertaining to nondiscrimination and equal employment opportunity.

In developing this AA Plan, Stockton recognizes its duty to ensure equal employment opportunity. The following statement of policy reinforces that belief.

POLICY PROHIBITING DISCRIMINATION IN THE WORKPLACE

Stockton reaffirms its belief and commitment to equal employment opportunity for employees and applicants for employment in all terms and conditions of employment. Dr. Valerie Hayes, Esq., Chief Officer for Institutional Diversity and Equity (“Chief Officer”), oversees AA Plan development, modification, implementation, and reporting requirements and prepares updates for President Harvey Kesselman and his Cabinet.

In accordance with its Policy, Stockton seeks to ensure equal opportunity and nondiscrimination in all aspects of employment practices such as recruitment, selection, hiring, training, promotion, transfer, assignment, layoff, return from layoff, termination, demotion, discipline, compensation, fringe benefits, working conditions and career development. Regular review helps to ensure compliance with this Policy.

Stockton will develop and maintain an audit and reporting system to determine overall compliance with its Policy and to respond to any specific discrimination or harassment complaints applicants or employees file with the Office of Institutional Diversity and Equity. The Chief Officer has overall coordination responsibility for this plan and program.

Stockton’s AA Plan will be made available on the Office of Institutional Diversity and Equity (“Office”) website for review and download. Employees are invited to comment on the AA Plan by sending an email to the Chief Officer at Valerie.Hayes@stockton.edu or by calling 609-652-4693.

DEFINITIONS

For the purposes of this plan, the term “Covered Veteran” shall include, for contracts prior to December 1, 2003, those veterans covered by the Vietnam Era Veterans’ Readjustment Assistance Act (“VEVRAA”) and its progeny including disabled veterans, and veterans of the Vietnam Era. The following definitions shall apply in this plan.

Person with a Disability¹ means:

- A person has a physical or mental condition that substantially limits a major life activity (such as walking, talking, seeing, hearing, or learning).
- A person has a history of a disability (such as cancer that is in remission).
- A person who is believed to have a physical or mental impairment that is not transitory (lasting or expected to last six months or less) and minor (does not have such an impairment).

Disabled Veteran means:

1. A veteran of the U. S. military, ground, naval, or air service who is entitled to compensation (or who but for the receipt of military retired pay would be entitled to compensation) under laws administered by the secretary of Veterans Affairs, or
2. A person who was discharged or released from active duty because of a service-connected disability.

Other Protected Veteran means a veteran who served on active duty in the U. S. military, ground, naval, or air service during a war or in a campaign or expedition for which a campaign badge has been authorized, under the laws administered by the U. S. Department of Defense. This definition also covers those who served or currently serve in the National Guard.

Recently-Separated Veteran means any veteran during the three-year period beginning on the date of such veteran's discharge or release from active duty in the U.S. military, ground, naval, or air service.

Armed Forces Service Medal Veteran means any veteran who, while serving on active duty in the U.S. military, ground, naval, or air service, participated in a United States military operation to which an Armed Forces service medal was awarded pursuant to Executive Order 12985.

¹ The U.S. Equal Employment Opportunity Commission's definition of disability at
<https://www.eeoc.gov/laws/types/disability.cfm>

REVIEW OF PERSONNEL PROCESSES

Stockton ensures its human resources processes provide for careful, thorough, and systematic consideration of the job qualifications of applicants and employees with known disabilities and for Covered Veterans for job vacancies filled either by hiring or promotion, and for all training opportunities offered or available.

Stockton also ensures its human resources processes do not stereotype individuals with disabilities or Covered Veterans in a manner which limits their access to jobs for which they are qualified, or otherwise discriminate against such individuals in violation of either the Policy, Section 503, or VEVRAA in any aspect of employment. Stockton takes positive action to employ, advance in employment, and otherwise treat qualified individuals without discrimination based on their status as individuals with disabilities and/or Covered Veterans in its employment practices, including the following:

- a) Recruitment, advertising, and job application procedures;
- b) Hire, upgrade, promotion, award of tenure, demotion, transfer, layoff, termination, right of return from layoff, and rehire;
- c) Rates of pay or any other form of compensation and changes in compensation;
- d) Job assignments, job classifications, organizational structures, position descriptions, lines of progression, and seniority lists;
- e) Leaves of absence, sick leave, or any other leave;
- f) Fringe benefits available by virtue of employment, whether or not administered by Stockton;
- g) Selection and financial support for training, including apprenticeship, and on-the-job training, professional meetings, conferences, and other related activities, and selection for leaves of absence to pursue training;
- h) Activities sponsored by Stockton, including social and recreational programs; and
- i) Any other term, condition, or privilege of employment.

Stockton also periodically reviews its processes and makes any necessary modifications to ensure these obligations are carried out. The review includes, but not may not be limited to, the following procedures and/or practices:

- a) The Office of Human Resources invites new and current employees to self-identify as a person with a disability or as a Covered Veteran; and
- b) The application form or other record (outside of the personnel file) contains a description of any accommodations requested and the outcome of such request.

Stockton also takes the following steps to ensure compliance with the Policy:

- a) Applications for employment, comply with federal and state employment laws regarding persons with disabilities and Covered Veterans;
- b) Periodically, the Office of Human Resources reviews its job descriptions to ensure that they properly reflect the actual functions and duties of the position;
- c) Stockton encourages its employees, including employees with disabilities and Covered Veterans, to participate in University-sponsored activities and programs;
- d) Stockton purchasing agreements and contracts contain equal opportunity language; and
- e) Stockton prominently displays Equal Employment Opportunity posters in appropriate places in the workplace.

REVIEW OF PERSONNEL PROCESSES

The Office of Institutional Diversity and Equity (for exempt positions) and the Office of Human Resources (for non-exempt positions) review position requirements to ensure that, to the extent qualifications screen out or tend to screen out qualified persons with disabilities or Covered Veterans. They are job related and consistent with business necessity; ensure the safe performance of the job; and accurately reflect job duties and responsibilities. This is a periodic review.

To the extent that physical or mental job qualification requirements screen out or tend to screen out qualified persons with disabilities or Covered Veterans in the selection of employees or applications for employment or other changes in employment status such as promotion or training, the Office of Human Resources ensures such requirements are related to the specific job for which the individual is being considered, and are job related and consistent with business necessity.

1. No pre-employment physical examinations or questionnaires are used by Stockton prior to a job offer contingent on such examinations and other requirements.
2. Should Stockton conduct a medical examination or inquiry of a Covered Veteran or a person with a disability, it will do so accordingly to the terms and conditions of state law, Section 503, and VEVRAA. The results of such an examination or inquiry are kept confidential according to federal regulations, which includes the following exceptions:
 - a) Supervisors and managers may be informed regarding restrictions on the work or duties of the applicant or employee and necessary accommodations.
 - b) First aid and safety personnel may be informed, when appropriate, if the disability might require emergency treatment; and,
 - c) Government officials engaged in enforcing the Americans with Disabilities Act (“ADA”), the ADA Amendment Act of 2008, Section 503, and VEVRAA shall be provided relevant information on request.
3. Stockton only considers relevant that portion of a Covered Veteran’s military record related to the precise job qualifications for the job for which the Covered Veteran is being considered.

REASONABLE ACCOMMODATION

In compliance with the New Jersey Law against Discrimination N.J.S.A. 10:5-3 et seq. and the ADA 42 U.S.C. §1211 (8), it is the policy of Stockton to ensure equal employment opportunities for qualified applicants and employees with disabilities and to provide reasonable accommodation for qualified individuals with a disability who are employees or applicants for employment. Every reasonable effort will be made to accommodate properly documented special needs.

- o Pre-employment inquiries about the existence of disabilities in the form of employment applications, interviews, tests or pre-employment medical examinations prior to making a job offer, are prohibited.
- o Job postings shall list the essential functions of the positions or notices and postings shall indicate that the essential job functions are available upon request.
- o Job postings and interview notices shall provide that applicants who need an accommodation for an interview should request such in advance by contacting the Office of Human Resources.

- o Employment applications may not be used to make pre-employment inquiries about a disability or nature of or severity of a disability. If such requests are appropriate, applicants with disabilities should be provided assistance completing an application.
- o Employment testing and examinations must not screen out qualified applicants or class of applicants solely due to a disability unless excluding these individuals is job related and consistent with business necessity.
- o It is the responsibility of the employee or applicant to request a reasonable accommodation. The request shall be presented to a manager or the Director of the Office of Human Resources. If the request is made to the manager, the manager shall immediately inform the Director of Human Resources. If the request is not in writing, Human Resources may request a written statement.
- o The Office of Human Resources will examine the individual's job and determine the purpose of the position and determine the essential functions of the position.
- o An Ad Hoc Committee consisting of the Director of Human Resources or a designee of that office and the appropriate Vice President or a designee will consult with the individual requesting an accommodation to find out his or her physical or mental abilities and/or limitations as they relate to the job's essential functions, as well as the individuals' requested accommodation.
- o The University will request medical documentation about the disability and functional limitations. The documentation is to come from an appropriate health care or rehabilitation professional and written on that provider's official letterhead stationery.
- o The University will maintain the confidentiality of all medical information collected during this process.
- o The Ad Hoc Committee, with the employee, will identify potential accommodations.
- o If more than one accommodation would be effective, the individual's preference will be considered leaving the final decision as to accommodation to the University. If the individual with a disability cannot identify an accommodation that will assist them in performing the essential functions of the job, the University will work to identify whether a reasonable accommodation exists that will assist the employee to perform the essential job functions.
- o The University will consider, on a case-by-case basis, whether an accommodation would impose an undue hardship or change the essential functions of the job. If a particular accommodation would impose an undue hardship, it is not required, but the University must consider whether an alternative accommodation would not impose a hardship.
- o If a reasonable accommodation is available, the University will select and reasonably accommodate the individual.
- o The University will annually review accommodations granted and request up-to-date documentation from appropriate health-care or rehabilitation professionals. The University reserves the right to seek documentation from its own medical professionals by way of independent medical advice as to ability of the employee to perform the essential functions of the job.
- o A complaint of discrimination based on disability may be filed with the Office of Institutional Diversity and Equity.

HARASSMENT, DISCRIMINATION, AND RETALIATION PROHIBITED

The Policy prohibits discrimination and harassment on a number of protected categories including, but not limited to, liability for service in the Armed Forces of the United States and disability. This means that Covered Veterans and persons with disabilities are covered under the Policy.

Retaliation against any employee who alleges being the victim of discrimination/harassment, provides information in the course of an investigation into claims of discrimination/harassment in the workplace, or opposes a discriminatory practice, is prohibited by the Policy. No employee bringing a complaint, providing information for an investigation, or testifying in any proceeding under this policy shall be subjected to adverse employment consequences based upon such involvement or be the subject of other retaliation. Examples of prohibited actions taken against an employee because the employee has engaged in protected activity protected are provided in the Policy.

The Retaliation provision in the Policy also applies to individuals who oppose any act or practice made unlawful by Section 503 of the Rehabilitation Act of 1974 ("Section 503") as amended and/or the Vietnam Era Veterans' Readjustment Assistance Act of 1974 ("VEVRAA").

INTERNAL DISSEMINATION OF POLICY AND AA PLAN

The Policy and AA Plan are made available on the Office website for review and download. Employees are invited to comment on the AA Plan by sending an email to Dr. Valerie Hayes, Esq., Chief Officer for Institutional Diversity and Equity, at Valerie.Hayes@stockton.edu or by calling 609-652-4693.

Stockton recognizes that even a strong outreach program for persons with disabilities and Covered Veterans may be ineffective without adequate internal support from its supervisors and employees. Therefore, to ensure greater employee cooperation and participation in Stockton's efforts, the following internal procedures to communicate its program. These procedures are designed to foster understanding and support among the President's Cabinet, management, supervisory, and other employees and to encourage such individuals to take the necessary action to support this program.

- a) Including the AA Plan on the Office of Institutional Diversity and Equity's webpage and/or the ADA-Rehabilitation Act Steering Committee's website once developed.
- b) Informing employees of Stockton's commitment to diversity and the employment of persons with disabilities and Covered Veterans.
- c) Providing opportunities for employees to learn about the AA Plan.
- d) Publicizing the AA Plan in Stockton's magazine, the Office's annual report, and other media as appropriate.
- e) Discussing the AA Plan during new employee orientation and during face-to-face training programs on the Policy.
- f) Highlighting the accomplishments of persons with disabilities and Covered Veterans in Stockton's magazine.
- g) Distributing the Policy periodically to employees.
- h) Inviting persons with disabilities and Covered Veterans to self-identify to the Office of Human Resources, after an offer of employment but before they begin employment at Stockton. This invitation remains open at any time during their employment at Stockton. Individuals who self-identify shall not be retaliated against for self-identifying as persons with disabilities and/or Covered Veterans.

EXTERNAL DISSEMINATION OF POLICY AND AA PLAN

The Policy and AA Plan are made available on the Office website for review and download. Employees are invited to comment on the AA Plan by sending an email to Dr. Valerie Hayes, Esq., Chief Officer for Institutional Diversity and Equity, at Valerie.Hayes@stockton.edu or by calling 609-652-4693.

OUTREACH AND POSITIVE RECRUITMENT

1. Stockton undertakes appropriate outreach and positive recruitment activities such as some of those listed below that are reasonably designed to recruit qualified persons with disabilities and Covered Veterans.
 - a) Includes the phrase “Stockton University is an equal opportunity institution encouraging a diverse pool of applicants.” The web page includes the phrase “Stockton University is an Equal Opportunity Institution;”
 - b) Incorporates the equal opportunity clauses into covered purchase orders, lease agreements and other covered contracts; and
 - c) Will make available a summary of the AA Plan on the Office of Institutional Diversity and Equity website and/or the Steering Committee’s webpage.
2. In addition, Stockton makes good faith efforts to recruit and promote persons with disabilities and Covered Veterans. The scope of Stockton’s efforts depends on its resources and the extent to which its existing employment practices are adequate. Recruitment and promotion activities are undertaken and may include some or all of the activities listed below.
 - a) Enlisting assistance and support of recruiting sources for veterans and persons with disabilities;
 - b) Establishing meaningful contacts with organizations serving individuals with disabilities and/or Covered Veterans;
 - c) Portraying persons with disabilities and Covered Veterans should pictures be used in advertisements and other publications;
 - d) Attempting to notify suppliers and vendors of its EEO policy and requesting appropriate action on their parts; and
 - e) Taking positive actions to attract qualified persons with known disabilities and Covered Veterans not currently in the workforce who have the requisite skills.

AUDIT AND REPORTING SYSTEM

Dr. Valerie Hayes, Esq., Chief Officer for Institutional Diversity and Equity, is the administrator for the Policy and the AA Plan. She maintains an audit system with the assistance of the presidentially-appointed ADA/504 Steering Committee. The audit system is designed to the following:

1. Measures the effectiveness of Stockton’s AA Plan.
2. Indicates any need for remedial or corrective action.
3. Determines whether persons with known disabilities or Covered Veterans have had the opportunity to participate in University sponsored-educational, training, recreational and social activities.

Where Stockton, upon its review, finds its AA Plan needs further progress in certain areas it will take necessary action to do so.

RESPONSIBILITY FOR IMPLEMENTATION OF AA PLAN

In furtherance of Stockton's commitment to the Policy, overall coordinating responsibility for implementing rests with Dr. Valerie Hayes, Esq., Chief Officer for Institutional Diversity and Equity. She has been given top management support and staff to manage the implementation of the Policy and AA Plan as it pertains to applicable laws, orders and regulations.

1. Developing, maintaining and, where appropriate, modifying Stockton's AA Plan for persons with disabilities and Covered Veterans, policy and procedures, and internal and external communication techniques.
2. Advising managers and supervisors that they are responsible for preventing prohibited harassment of their employees, including employees who are persons with disabilities and Covered Veterans because of their status as persons with disabilities and Covered Veterans.
3. Identifying problem areas in the implementation of the AA Plan and assisting managers in developing solutions to any identifiable problem area.
4. Designing, implementing and overseeing an audit and reporting system to monitor the progress and effectiveness of the AA Plan.
5. Serving as liaison between Stockton and governmental enforcement agencies, and as appropriate, with community groups, vocational rehabilitation organizations, and organizations for persons with disabilities and Covered Veterans.
6. Working in collaboration with the Office of Human Resources in monitoring policies and procedures of employee selection, evaluation, promotion and training process with regard to the various terms and conditions of employment to attempt to ensure compliance with the Policy.
7. Working in collaboration with the Office of Human Resources in ensuring that Stockton has processes and procedures: a) to ensure that career counseling for employees with known disabilities and Covered Veterans, when requested and appropriate; and, b) to review personnel actions, policies, procedures, and employee and applicants' qualifications to ensure individuals with disabilities and Covered Veterans are treated in accordance with federal and state anti-discrimination laws when selection, promotion, transfer, and termination actions occur.
8. Keeping the President's Cabinet updated on the latest developments in the areas of EEO.
9. Conducting and supervising the conduct of investigations into employee discrimination and harassment complaints.
10. Conducting periodic reviews to determine proper display of EEO posters and notices, and opportunity for participation in University-sponsored recreational, educational and social activities where sign-in attendance is required.

TRAINING ON POLICY

Stockton provides training and guidance to employees who are involved in the recruitment, screening, selection, promotion, disciplinary and other related processes to ensure that its Policy is implemented.

